

Decision **PROPOSED DECISION OF ALJ BUSHEY** (Mailed 4/9/2013)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of California-American Water Company (U210W) for an Order Authorizing the Collection and Remittance of the Monterey Peninsula Water Management District User Fee.

Application 10-01-012
(Filed January 5, 2010)

DECISION CLOSING PROCEEDING

Summary

This decision closes the proceeding as all outstanding issues have been resolved.

Background

On June 21, 2012, the Commission issued Decision 12-06-020 authorizing California-American Water Company (Cal-Am) to create the Aquifer Storage and Recovery (ASR) Project Phase 2 memorandum account in which to record the reasonable costs for adding Well 4 to the Project on an expedited basis and, when completed, to move the costs so recorded to rate base with a Tier 2 advice letter. Cal-Am was also authorized to enter into an agreement with the Monterey Peninsula Water Management District (District) to fund Carmel River mitigation measures required by the State Water Resources Control Board Order 95-10, where Cal-Am is responsible for the measures, should the District cease to perform them.

The Commission left this proceeding open to allow Cal-Am to file and serve a revised proposal for Aquifer Storage Phase 1 costs, which had been incurred by the District. On December 31, 2012, Cal-Am filed and served its compliance statement showing that the District had informed Cal-Am that the District had obtained alternative funding for the Phase 1 ASR Project costs and would not require funding from Cal-Am. In its compliance filing, Cal-Am stated that it is no longer necessary for this proceeding to remain open as it appeared that all of the issues have been resolved.

Comments on Proposed Decision

The proposed decision was mailed to parties in accordance with Section 311 of the Public Utilities Code, and the comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. The District commented that the proceeding should remain open while its Petition for Review is pending before the Supreme Court as well as its petition for modification before this Commission. As the issues presented by the applicant here been resolved, the proceeding should be closed. If remanded by the Supreme Court, the proceeding can be re00-opened.

Assignment of Proceeding

Michael R. Peevey is the assigned Commissioner and Maribeth A. Bushey is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. The Commission kept this proceeding open after issuing its Interim Decision on June 21, 2012, to allow Cal-Am to address the issue of funding the District's costs for Aquifer Storage and Recovery Project Phase 1.
2. The District has obtained alternative funding for Phase 1 costs.
3. All outstanding issues in this proceeding have been resolved.

Conclusion of Law

1. A.10-01-012 should be closed.

O R D E R

IT IS ORDERED that Application 10-01-012 is closed.

This order is effective today.

Dated _____, at San Francisco, California.